

Clark County makes 'positive step' on fines

Local officials worked with ACLU on issue

By [Jessica Prokop](#), Columbian Courts Reporter

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In February 2014, Clark County was among four counties criticized by the American Civil Liberties Union of Washington after the ACLU studied how counties impose and collect court fines and fees on felony defendants. The county has since made substantial changes.

Vanessa Hernandez, a staff attorney with the ACLU of Washington, said of the four counties criticized in the study, only Benton County was named in the lawsuit. She said the [ACLU sued the county](#) because officials there refused to meet with ACLU representatives to discuss the county's policies and willingness to adjust.

The other counties mentioned unfavorably in the 2014 study were Clallam and Thurston.

Hernandez said in regards to Clark County, the ACLU of Washington was particularly concerned about the widespread imposition of discretionary fees and costs, without considering a felon's ability to pay.

Clark County officials later met with ACLU representatives on the issue, Hernandez said. The prosecuting attorney's office also initiated conversations with clerks and judges about determining a felon's ability to pay during sentencing, she said.

The Washington Supreme Court in March provided additional guidance for courts on making this determination, Hernandez said.

Clark County Superior Judge James Rulli said local judges have implemented changes and now determine a felon's ability to pay before imposing fees and fines.

He said the changes have greatly reduced the number of arrest warrants issued because of unpaid legal financial obligations.

Clark County Chief Deputy Clerk Baine Wilson, who operates the county clerk's collection unit, confirmed changes have been made since the 2014 study.

She said she thinks judges are waiving more of the discretionary fees than they have in the past and was not surprised to learn Clark County was not named in the lawsuit.

"I think we are trying to work with (the ACLU)," Wilson said. "We are trying to work with the defendants who owe the money. But, also there are some victims out there who do need to be repaid for what they lost."

Wilson said the Clark County Sheriff's Office offers a re-entry program for felons completing their sentences. She said she meets with individuals about their legal financial obligations and discusses ways they can pay their fees and fines. The program started about 1 1/2 to two years ago, she said.

“Communication is the biggest thing that I stress with them,” she said. If a felon is having issues paying, he or she is encouraged to come in and talk about what’s going on, Wilson said.

Hernandez called the program and other changes made by the county “a positive step” toward individualizing people’s personal circumstances.

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